

Adams, Hope

From: KAREN SCRUGGS <karen.scruggs@dominionenergy.com>
Sent: Friday, September 10, 2021 2:21 PM
To: MATTHEW GISSENDANNER; Bateman, Andrew; 'Walker@WGFLAW.com'; Gressette@WGFLAW.com
Cc: KENNETH BURGESS; Butler, David; PSC_Contact
Subject: [External] RE: Docket No. 2021-114-E
Attachments: Boyd ltr from MWG Brief in Support of Proposed Order FINAL 2021-114-E.pdf

Attached is the document referenced below with the corrected email address.
 Thanks.

Karen Scruggs

From: Karen Scruggs (Services - 6) <karen.scruggs@dominionenergy.com>
Sent: Friday, September 10, 2021 2:06 PM
To: abateman@ors.sc.gov; walker@WGFLAW.com; Gressette@WGFLAW.com
Cc: Matthew Gissendanner (Services - 6) <matthew.gissendanner@dominionenergy.com>; Chad Burgess (Services - 6) <chad.burgess@dominionenergy.com>; Butler, David <David.Butler@psc.sc.gov>; contact@psc.sc.gov
Subject: Docket No. 2021-114-E

Attached is a copy of a document filed today with the Commission.

Hard copies will follow via U.S. Mail.

Karen Scruggs
 Paralegal
 Legal Regulatory Department

400 Otarre Parkway, Cayce, SC 29033
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Actions Speak Louder™

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Matthew W. Gissendanner
Senior Counsel
Dominion Energy Services, Inc.

220 Operation Way, MC C222, Cayce, SC 29033
DominionEnergy.com



September 10, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Petition for Declaratory Order with Verification of Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC both Wholly Owned Subsidiaries of Savion, LLC
Docket No. 2021-114-E

Dear Ms. Boyd:

Enclosed for filing on behalf of Dominion Energy South Carolina, Inc. ("DESC") is its Proposed Order ("Order") and Brief in Support of Proposed Order ("Brief").

By copy of this letter, DESC is providing a copy of this Order and Brief to the parties of record with a certificate of service.

If you have any questions, please advise.

Very truly yours,

A handwritten signature in blue ink that reads "Matthew W. Gissendanner".

Matthew W. Gissendanner

MWG/kms
Enclosures

cc: Andrew M. Bateman, Esquire
G. Trenholm Walker, Esquire
Thomas P. Gressette, Jr.
(all via electronic mail and U.S. First Class Mail w/enclosures)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-114-E

IN RE:

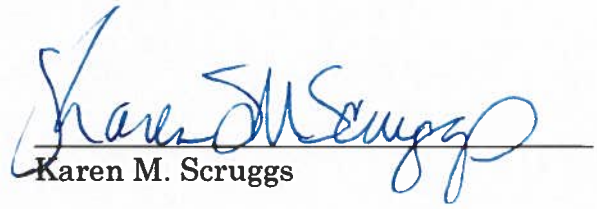
Petition for Declaratory Order with Verification)	
of Orangeburg County Solar Project, LLC)	CERTIFICATE OF SERVICE
and Orangeburg South Solar Project, LLC both)	
Wholly Owned Subsidiaries of Savion, LLC)	
)	
_____)	

This is to certify that I have caused to be served this day copies of **Dominion Energy South Carolina, Inc.’s Proposed Order and Brief in Support of Proposed Order** to the persons named below at the addresses set forth via U.S. First Class Mail and electronic mail:

Andrew M. Bateman, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
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Karen M. Scruggs

Columbia, South Carolina

This 10th day of September, 2021

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-114-E

IN RE:

Petition for Declaratory Order with
Verification of Orangeburg County Solar
Project, LLC and Orangeburg South Solar
Project, LLC both Wholly Owned Subsidiaries
of Savion, LLC

**DOMINION ENERGY SOUTH
CAROLINA, INC.'S PROPOSED
ORDER**

OVERVIEW OF THE MATTER

This matter comes before the Public Service Commission of South Carolina (the “Commission”) pursuant to the Petition for Declaratory Order (the “Petition”) filed by Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC (collectively, the “Solar Developers”) on March 29, 2021. As discussed in greater detail below, the Petition requests an interpretation of the South Carolina Facility Siting and Environmental Protection Act, codified at S.C. Code § 58-33-10, et. seq (the “Siting Act”). For the reasons set forth below, the Commission finds:

(i) the Projects’ (as defined below) MW_{dc} capacity is determinative of whether the Projects are “major utility facilities” under the Siting Act (as defined below);

(ii) the artificially-limited MW_{ac} output does not impact the Commission’s analysis of the Siting Act’s 75-MW threshold;

(iii) it is premature to address whether the capacity of two projects connected by a Gen-Tie (as defined below) line requires the capacity of the two projects to be aggregated because Solar Developers have not sufficiently described the MW_{dc} capacity of the Projects; and

(iv) the Federal Energy Regulatory Commission's (the "FERC") one-mile rule analysis does not influence this Commission's consideration of these matters and any action taken herein by the Commission does not impact the FERC's consideration of its one-mile rule with respect to the Projects.¹

BACKGROUND

Solar Developers are wholly owned subsidiaries of Savion, LLC. The Petition is related to projects being developed by each Solar Developer (each a "Project" and collectively, the "Projects"). The Projects are presently planned to interconnect to the Santee Cooper electric system. However, Orangeburg County Solar Project, LLC is currently seeking interconnection service from Dominion Energy South Carolina, Inc. ("DESC") for another project and is currently in the DESC interconnection queue for that project. The project seeking interconnection from DESC is roughly on or about the same footprint as the Project that Orangeburg County Solar Project, LLC is developing for a planned interconnection with Santee Cooper.² Solar Developers explain that the project developed by Orangeburg County Solar Project, LLC (the "Orangeburg County Solar Project") is proceeding to construction first and that it will include a "'Project' Substation."³ Once the Project Substation is constructed, the Project being developed by Orangeburg South Solar Project, LLC (the "Orangeburg South Solar Project") will electrically connect to the Project Substation through a medium voltage (34.5

¹ DESC takes no position on whether the Siting Act applies in this case given that the Petition lacks sufficient detail to make the threshold capacity evaluation. The capacity evaluation may be the dispositive issue in this case. However, since the Commission cannot adequately evaluate such capacity, any determination related to the Gen-Tie line would be premature.

² Citing these facts and DESC's corresponding interest in the Commission's interpretation of the Siting Act, the Chief Hearing Officer granted DESC's Petition to Intervene in this docket on April 26, 2021, via Order No. 2021-53-H.

³ Petition at 4.

kilovolt [kV]) collection system.⁴ Solar Developers note that a single 230kV generation tie (the “Gen-Tie”) line will connect the Project Substation to the point of interconnection. Solar Developers describe the Gen-Tie as being approximately 200 feet in length, located entirely within the Orangeburg County Solar Project site, and maintained by Orangeburg County Solar Project, LLC.⁵ As a result, Solar Developers argue that the Gen-Tie fails to trigger the Siting Act because the “inclusion of the Gen-Tie line does not convert either [P]roject into a ‘major utility facility.’”⁶ Solar Developers also state the Projects’ generating facilities will be located approximately one mile apart and will each “consist of a single electric generation facility designed to operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs).”⁷ As a result, the Solar Developers claim that this limited capacity does not meet the “‘major utility facility’ definition of S.C. Code § 58-33-[2]0(2)(a), which has a threshold of 75 MWs for electric generating plants.”⁸

With respect to the Projects, the Petition requests that the Commission issue an Order confirming that the Projects do not meet the definition of a “major utility facility” on two separate grounds. The first relates to the capacity of the Projects. On this point, Solar Developers request that the Commission issue an order stating that the Projects do not meet the definition of a major utility facility, as defined in S.C. Code Ann. § 58-33-20(2)(a), simply because each Project will operate at a capacity less than 75 MW. The second relates to the Gen-Tie line connecting the Projects, and Solar Developers argue that merely sharing a single 200-foot 230

⁴ See *id.*

⁵ See *id.*

⁶ *Id.* at 4. The Petition’s argument seems to suggest that the length of the Gen-Tie line is the primary reason that the Siting Act is not triggered. However, as discussed in this order, it is premature to address this argument given that the Solar Developers have not provided sufficient detail regarding the gross capacity of the Projects.

⁷ *Id.*

⁸ *Id.*

kV generation tie (gen-tie) line does not meet the definition of a “major utility facility,” as defined in S.C. Code § 58-33-20(2)(b). As a result, the Petition concludes that the Projects are not required to obtain a Certificate of Environmental Compatibility pursuant to S.C. Code § 58-33-10, et seq.

On April 16, 2021, DESC filed comments in response to the Petition (the “DESC Response”), and on July 21, 2021, the South Carolina Office of Regulatory Staff (the “ORS”) filed the findings from its review of the Petition (the “ORS Response”).

I. DESC’s responsive comments.

In response to the Petition, DESC avers that the critical issue is whether plant is “designed, or capable of” producing above that 75-MW threshold, and such determination is measured by the gross MW measured in DC—or the nameplate rating of the generator. DESC states that it takes no position on the “Gen-Tie’s impact on the Siting Act.”⁹ DESC explains that the Petition appears to be focused on the impact of the Gen-Tie line; however, an evaluation of the design and capability of the Projects is a critical threshold evaluation to determine whether the Projects qualify as major utility facilities under the Siting Act. Specifically, DESC notes that although the Solar Developers claim that the Projects will “operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs),” the Siting Act is not simply concerned with “operation” but instead whether the Projects are “designed, or capable of” producing above that 75-MW threshold.¹⁰ DESC also states that the focus on “limited capacity” runs afoul to the intent of the Siting Act, which is concerned with the associated environmental and land-use

⁹ DESC Response at 8.

¹⁰ *Id.* at 5.

impacts arising from such projects.¹¹ DESC argues that given the focus of the Siting Act is on the overall footprint of the generator and the corresponding environmental and land-use considerations, the Petition simply provides too little information regarding the Projects' gross size and the potential environmental impact (i.e., wetlands, endangered species, mitigating alternatives, etc.) to adequately determine whether the Projects impact the Siting Act.

As for the distance between the Projects, the Solar Developers claim that the Projects are "separated by approximately one mile."¹² In response, DESC notes that such a determination may be relevant for the FERC's one-mile rule, but is not required here. DESC goes on to outline the primary considerations of the FERC's one-mile rule, and notes that it provides either an irrebuttable presumption that the facilities are located at the same site or a presumption—subject to rebuttal by the utility—that the facilities are located at separate sites depending on the proximity of the Projects. However, DESC maintains that such a determination is unnecessary given that the question presented to the Commission relates to the Siting Act rather than whether the Projects exceed PURPA's small power production 80 MW size limitation.¹³ In short, DESC requests that the Commission issue a narrow order stating that the Petition lacks sufficient evidence to determine whether or not the Projects are major utility facilities and limit any further consideration of the Petition to addressing the Gen-Tie line's impact on the Siting Act.¹⁴ Finally, DESC requests that the Commission clearly indicate that the scope of the order does not extend to the issues related to whether the proximity of the Projects satisfy the FERC's one-mile rule.

¹¹ *Id.*

¹² Petition at 4.

¹³ See DESC Response at 7.

¹⁴ Although the Gen-Tie line may not trigger the Siting Act, as explained in this order, the capacity evaluation may subject the Projects to the Siting Act. However, the Commission is unable to make that determination at this time.

II. The ORS's review.

The ORS stops short of providing a conclusion as to whether it believes the Projects meet the definition of a “major utility facility” as defined in the Siting Act. Instead, the ORS simply requests that if the Commission orders that the Projects do not meet the definition of a “major utility facility” as defined in the Siting Act, that such order provide that (i) either Project would trigger the Siting Act if it increased its capacity above 75 MW_{ac} in the future and (ii) the Commission’s determination is specific to this set of facts and does not establish precedent for future requests.¹⁵

SUMMARY OF THE BASIS FOR THE COMMISSION’S CONCLUSIONS

I. The Commission declines to address whether (i) the Gen-Tie line triggers the Siting Act given the lack of details in the Petition regarding capacity or (ii) the proximity of the Projects implicates the FERC’s one-mile rule.

In this proceeding, the Commission is tasked with determining whether the Projects meet the threshold for major utility facilities under the Siting Act by way of the capacity or operation of the Gen-Tie line. However, as described below, given that the Petition lacks sufficient detail for the Commission to evaluate the capacity of the Projects, a determination on the Gen-Tie line is premature. Additionally, the Petition also relates to other aspects of South Carolina and federal law, and the Commission finds it beneficial to provide the parties with relevant background on the same.

¹⁵ See ORS Response at 3.

A. *Capacity of the Projects under the Siting Act*

As for South Carolina law, the Siting Act applies to “facilities designed for, or capable of, operation at a capacity of more than seventy-five megawatts.”¹⁶ The Petition provides a conclusory statement that the Projects are “designed to operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs).”¹⁷ However, the Petition provides no additional details regarding the Projects’ designed capability or how the output of the Projects is limited. In fact, the ORS apparently issued discovery to the Solar Developers on this point, and those responses indicated that the output of each Project is artificially limited by inverters such that the output at any one time remains below 75 MW_{ac}, regardless of how many MW_{dc} each Project is capable of producing. However, the actual MW_{dc} rating of each Project has not been provided to the Commission. As explained below, this MW_{dc} rating is the relevant capacity rating when evaluating whether the Siting Act is triggered, and yet, the Petition fails to provide such information. This is made clear by the express language of the Siting Act, which states that it applies to facilities that are “designed for, or capable of, operation at a capacity of more than seventy-five megawatts.”¹⁸ If the MW_{dc} of each plant is above 75 MW, then the Commission need not examine the impact of the Gen-Tie line because the Siting Act clearly applies.

Although the Petition requests a determination of the impact of the Gen-Tie line on the Siting Act, the Commission finds it premature to address this issue given that it is unable to make the threshold evaluation of whether the Projects meet the 75-MW threshold in the Siting Act given that the Petition lacks sufficient detail regarding the overall footprint and production

¹⁶ S.C. Code Ann. § 58-33-20(2)(a).

¹⁷ Petition at 4.

¹⁸ S.C. Code Ann. § 58-33-20(2)(a).

capacity of the Projects. To be clear, impacts to the environment as a result of constructing generating plants of such size is one of the primary concerns of the Siting Act and any such capacity determination should be guided by the same. For example, the Siting Act requires that any application submitted thereunder contain “a summary of any studies which have been made by or for the applicant of the environmental impact of the facility” as well as evidence that such application has been submitted to “the chief executive officer of each municipality, and the head of each state and local government agency, charged with the duty of protecting the environment or of planning land use” in the area in which the such generator will be located.¹⁹ The Siting Act also provides for a public hearing to receive testimony on such application.²⁰ The Siting Act mandates that certain entities that must be a party to such proceeding, including the Department of Health and Environmental Control and the Department of Natural Resources.²¹

It is clear from the text of the Siting Act—including the various government entities listed therein—that the Siting Act intends to allow full comment and consideration of a generating facility that is 75 MW or above. If the Commission were to rule that the Siting Act is based on the “send out” capacity (MW_{ac}), which can be artificially limited in a variety of ways, it would adopt a rule that would completely decouple the size of the generating facility’s construction footprint from the siting concerns—a completely illogical outcome that flies in the face of the clear legislative intent. For example, a developer could construct a 500 MW_{dc} generator, but limit its output to the point of interconnection to 74 MW_{ac} during the initial phases of operation. If the Siting Act applied only to output at the interconnection, this 500 MW_{dc}

¹⁹ S.C. Code Ann. § 58-33-120(2).

²⁰ S.C. Code Ann. § 58-33-130.

²¹ S.C. Code Ann. § 58-33-140(1)(b).

generator would not trigger the Siting Act thereby preventing the municipality from considering land-use issues and agencies such as DHEC from considering environmental impacts. In contrast, a 75.1 MW_{dc} generator would trigger such review if it also produced 75.1 MW_{ac} to the point of interconnection.— The result becomes even more absurd considering the 500 MW plant may later change the settings on its inverters to deliver more than 75 MW to the point of interconnection. This would be a non-sensical result that would deny other state departments and agencies their statutory right and obligation to participate and create a perverse incentive for projects to limit their output, complete construction, and then later increase the send out capability to avoid the Siting Act.

In short, the Siting Act evidences a clear concern for more than just the delivery capacity of these generators—which can be manipulated up or down through the life of the project—and the record is absent of any material evidence related to those other factors. As such, the Commission declines to issue a ruling as to whether the Projects trigger the Siting Act based upon inverter-limited capacity alone, and therefore finds it unnecessary to address the Gen-Tie line's impact on the Siting Act given that the capacity analysis is the threshold evaluation under the Siting Act.

B. *PURPA's one-mile rule*

The federal law implicated by the Petition arises under FERC's one-mile rule. By way of background, the record reveals that the Projects are "separated by approximately one mile"—a consideration under PURPA's maximum capacity calculation, but not relevant to the Siting Act's 75-MW threshold. Under PURPA, to obtain qualifying facility ("QF") status and trigger the utility's mandatory purchase obligation, "the power production capacity of a facility for which qualification is sought, together with the power production capacity of any other small power

production qualifying facilities that use the same energy resource, are owned by the same person(s) or its affiliates, and are located at the same site, may not exceed 80 megawatts.”²² For purposes of determining whether QFs are located at the same site, PURPA provides that “there is an irrebuttable presumption that affiliated small power production qualifying facilities that use the same energy resource and are located one mile or less from the facility for which qualification or recertification is sought are located at the same site as the facility for which qualification or recertification is sought.”²³ In other words, if a 75 MW QF is located one mile or less from another 75 MW QF—both under common ownership—the analysis under PURPA would consider these facilities to be located at the same site, and neither facility would be able to obtain QF status and trigger PURPA’s mandatory purchase obligation. PURPA further provides that, where the affiliated small power production qualifying facilities that use the same energy resource and are located “more than one mile and less than 10 miles” from the facility for which qualification or recertification is sought, there is a “rebuttable presumption” that the facilities are located at separate sites from the facility for which qualification or recertification is sought.²⁴ In other words, under the one-mile rule, for facilities that are “separated by approximately one mile,” there is either an irrebuttable presumption that the facilities are located at the same site or a presumption—subject to rebuttal by the utility—that the facilities are located at separate sites.

Although the FERC has its own one-mile rule, neither the Petition nor the Siting Act requires this Commission to address whether the gross design or capability of these Projects should be added together for determining whether the Siting Act’s 75-MW threshold is triggered.

²² 18 C.F.R. 292.204(a)(1) (emphasis added).

²³ 18 C.F.R. 292.204(a)(2)(i)(A) (emphasis added).

²⁴ 18 C.F.R. 292.204(a)(2)(i)(C).

Furthermore, any determination made in this docket is not determinative nor instructive regarding the applicability of the FERC's one-mile rule given that it operates at a federal, not state, level. As such, FERC precedent regarding the application of its one-mile rule is not determinative of how this Commission implements South Carolina law. Although the Petition does not seek an interpretation of the FERC's one-mile rule, the discussion of these principles could confuse these distinct issues and the related analysis. To be clear, the Commission was not asked—and does not provide any opinion on—whether the Projects comply with the FERC's one-mile rule. The Commission trusts that Solar Developers are aware of the FERC's rules and regulations and are developing the Projects in a way to comply with the same.

CONCLUSIONS OF FACT AND LAW

1. The Commission has jurisdiction over DESC as a utility operating in the State of South Carolina.
2. The Commission has jurisdiction over Solar Developers via the (i) Siting Act and (ii) interconnection application for the Projects submitted under the South Carolina Generator Interconnection Procedures.
3. The scope of the Commission's order is based upon the limited set of facts in the record and is not precedential or binding for the purposes of any future analyses under the Siting Act, the FERC's one-mile rule, or PURPA.
4. Although the Commission has been asked to rule on whether the Gen-Tie line triggers the Siting Act, the mere existence of the Gen-Tie line is not the determinative factor as to

whether the Siting Act applies to the Projects.²⁵ Rather, the threshold issue is whether the Projects meet the 75-MW threshold under the Siting Act. The Commission would only consider the Gen-Tie line if the capacity of the Projects did not meet the definition of “major utility facility” in the Siting Act based upon capacity.

5. As for capacity, it is clear that the Siting Act is concerned with more than just the facility’s output capability at the point of interconnection. The Siting Act also focuses upon impacts to the environment and local land use policies and calls for a robust hearing and the participation of interested parties. As such, a consideration of the Projects’ MW_{dc} rating is appropriate given that it is more closely linked to the Projects’ footprint than the artificially-limited MW_{ac} rating.
6. The Commission declines to rule whether the Projects would trigger the Siting Act based upon capacity because the Petition lacks sufficient detail about the capacity which each Project is “designed for, or capable of” producing.²⁶ Such a determination must be made before turning to the impact of the Gen-Tie line. This is particularly important given that relying exclusively on a MW_{ac} number arising from output-limiting devices—such as inverters—means that the capacity could be later modified to produce above 75 MW_{ac}, while avoiding review under the Siting Act.
7. As for federal law, although the Projects’ proximity may implicate the FERC’s one-mile rule, that question has not been asked of this Commission. Regardless, the Commission is without jurisdiction to address that issue and there is no similar one-mile rule under the

²⁵ DESC takes no position on whether the Siting Act applies in this case given that the Petition lacks sufficient detail to make the threshold capacity evaluation. The capacity evaluation may be the dispositive issue in this case. However, since the Commission cannot adequately evaluate such capacity, any determination related to the Gen-Tie line would be premature.

²⁶ S.C. Code Ann. § 58-33-20(2)(a).

Siting Act. Therefore, it is unnecessary for the Commission to address this question, and the Commission suspects that the record lacks adequate detail to make such a determination.

IT IS HEREBY ORDERED.

BY ORDER OF THE COMMISSION:

Justin T. Williams, Chairman

ATTEST:

Florence P. Belser, Vice Chair
(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2021-114-E

IN RE:)	
)	
Petition for Declaratory Order with)	
Verification of Orangeburg County Solar	)	DOMINION ENERGY SOUTH
Project, LLC and Orangeburg South Solar	)	CAROLINA, INC.'S BRIEF IN
Project, LLC both Wholly Owned Subsidiaries	)	SUPPORT OF PROPOSED ORDER
of Savion, LLC)	
)	

Dominion Energy South Carolina, Inc. (“DESC”) hereby submits its Brief in Support of Proposed Order to the Public Service Commission of South Carolina (the “Commission”) in the above-captioned matter.¹

STATEMENT OF THE CASE

This matter comes before the Commission pursuant to the Petition for Declaratory Order (the “Petition”) filed by Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC (collectively, the “Solar Developers”) on March 29, 2021. Solar Developers are wholly owned subsidiaries of Savion, LLC. The Petition is related to projects being developed by each Solar Developer (each a “Project” and collectively, the “Projects”).

With respect to the Projects, the Petition requests that the Commission issue an Order confirming:

- 1) The Projects do not meet the definition of a major utility facility, as defined in S.C. Code Ann. § 58-33-20(2)(a) because each Project will operate at a capacity less than 75 MW;

¹ DESC filed its Proposed Order simultaneously herewith, and files this brief to provide the Commission with additional, relevant facts that were made available to DESC through the discovery process in this docket after DESC filed its responsive comments.

- 2) The Projects do not meet the definition of a “major utility facility,” as defined in S.C. Code § 58-33-20(2)(b), merely because they will share a single 200-foot 230 kV generation tie (gen-tie) line; and
- 3) Because the Projects do not meet the definition of a “major utility facility,” as defined in S.C. Code § 58-33-20, the Solar Developers are not required to obtain a Certificate of Environmental Compatibility pursuant to S.C. Code § 58-33-10, et seq.

Although no testimony was provided in this docket, DESC filed comments in response to the Petition on July 21, 2021, and the South Carolina Office of Regulatory Staff (the “ORS”) filed the findings of its review of the Petition on July 21, 2021. The Commission did not hold a hearing in this matter.

STATEMENT OF FACTS

The facts of this case are detailed extensively in DESC’s responsive comments filed in this docket on April 16, 2021, as well as DESC’s Proposed Order submitted simultaneously herewith. At a high level, the Petition indicates that:

- 1) The Orangeburg County Solar Project, LLC (the “Orangeburg County Solar Project”) is proceeding to construction first and that it will include a “‘Project’ Substation.”² Once the Project Substation is constructed, the Project being developed by Orangeburg South Solar Project, LLC (the “Orangeburg South Solar Project”) will electrically connect to the Project Substation through a medium voltage (34.5 kV) collection system.³

² Petition at 4.

³ See *id.*

2) A single 230kV generation tie (the “Gen-Tie”) line will connect the Project Substation to the point of interconnection. Solar Developers describe the Gen-Tie as being approximately 200 feet in length, located entirely within the Orangeburg County Solar Project site, and maintained by Orangeburg County Solar Project, LLC.⁴

3) The Projects’ generating facilities will be located approximately one mile apart and will each “consist of a single electric generation facility designed to operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs).”⁵

However, since the filing of its responsive comments, Solar Developers provided DESC with certain discovery responses that contain additional facts not included within the Petition. These additional facts support DESC’s initial responsive comments and DESC now provides the same support to the Commission.

STATEMENT OF LEGAL ISSUES

Although the Petition focuses primarily on the impact of the Gen-Tie line and whether it triggers the Siting Act, the Petition mentions another aspect of the Projects that may be the critical factor in the Siting Act analysis—the capacity of the Projects. Likewise, the Petition could also be construed to raise questions about whether the Projects trigger the Federal Energy Regulatory Commission’s (the “FERC”) one-mile rule, which the Commission is without authority to address.

To be clear, DESC takes no position on whether the Siting Act applies in this case because, as discussed further below, the Petition simply lacks sufficient detail for the Commission to make an informed decision as to whether the Projects trigger the Siting Act. Specifically, the Petition omits critical details regarding the capacity of the Projects, which could be determinative in this case. Given that the Commission is unable to make this threshold determination, it is premature to

⁴ See *id.*

⁵ *Id.*

address the impact of the Gen-Tie line, as the Projects' capacity may conclusively resolve the issue and render the Gen-Tie line's impact meaningless under the Siting Act.⁶ However, if the Commission decides to rule on these issues, any Commission order in this case should rest upon narrow issues of law and fact related to the South-Carolina specific Siting Act—particularly since any such decision regarding the FERC's one-mile rule or application of capacity ratings under the Siting Act may later be used as precedent before this Commission.⁷ DESC provides the following arguments in support of this position.

A. Capacity

The Petition states each Project's generating facilities will be located approximately one mile apart and will each "consist of a single electric generation facility designed to operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs)."⁸ As a result of this conclusory statement, the Solar Developers claim that this limited capacity does not meet the "'major utility facility' definition of S.C. Code § 58-33-[2]0(2)(a), which has a threshold of 75 MWs for electric generating plants."⁹ The Petition is unclear as to how such capacity is "limited." However, the ORS—apparently recognizing the lack of detail provided by the Petition—issued discovery to Solar Developers to determine the "capacity, both in MW_{dc} and MW_{ac}, that is capable of being produced from each electric generating plant and associated facilities."¹⁰ As DESC described in its responsive comments, this is a critical distinction because a project's output in MW_{ac} can be artificially limited to a number less than 75 MW, while its maximum MW_{dc} capacity could be a much larger number. Furthermore, these limiting settings could be modified

⁶ For example, the capacity of the Projects may trigger the Siting Act, even if the existence of the Gen-Tie line does not.

⁷ DESC maintains that neither the Petition nor the Siting Act require the Commission to address whether the capacity of the Projects should be aggregated.

⁸ *Id.*

⁹ *Id.*

¹⁰ Petitioners' Responses to ORS's Second and Continuing Request for Production of Books, Records and Other Information Request 1-1, dated June 7, 2021, which is attached as **Exhibit A**.

during the life of the facility to exceed the 75-MW threshold, while avoiding any review under the Siting Act. Analyzing the MW_{dc} rating of a project is critically important because it speaks to the overall footprint of the facility and corresponding impact on the surrounding environment as well as local land-use regulations. As outlined in DESC's proposed order, these environmental impacts are a primary concern of the Siting Act.¹¹

In response to the ORS's discovery request, Solar Developers acknowledged what DESC suspected and outlined in its responsive comments—"it is normal for solar projects to possess a MW_{dc} rating of the solar panels that is 1.3x to 1.4x that of the MW_{ac} rating of the inverters."¹² Although the Solar Developers still did not provide actual values, if those multiples held true in this case, the MW_{dc} ratings for the Projects in the Santee Cooper queue fall within the following ranges:

- Orangeburg County Solar Project: 97.5 MW_{dc} – 105 MW_{dc}.
- Orangeburg South Solar Project: 96.174 MW_{dc} – 103.572 MW_{dc}.

This means that these projects are capable of operating at a capacity of approximately 100 MW_{dc}, which connotes a much larger footprint than the approximately 75 MW_{ac} rating of each Project would imply. In fact, the Siting Act seems to expressly acknowledge this point by stating that the facilities meeting the 75 MW threshold are those that are "designed for, or capable of, operation at a capacity of more than seventy-five megawatts."¹³ Not only did Solar Developers fail to disclose this distinction in the Petition, but their response to a separate ORS discovery request indicates that Solar Developers have not consulted with the Department of Health and Environmental Control, the Department of Parks, Recreation and Tourism, or the Department of

¹¹ As discussed in DESC's proposed order, the Siting Act requires certain environmental studies within the application, as well as a hearing where interested stakeholders can provide impact regarding the environmental impact of the facility.

¹² Petitioners' Responses to ORS's Second and Continuing Request for Production of Books, Records and Other Information Request 1-1, dated June 7, 2021, which is attached as **Exhibit A**.

¹³ S.C. Code Ann. § 58-33-20(2) (emphasis added).

Natural Resources regarding the Petition—each of which are entities recognized as interested stakeholders by the Siting Act and are required to be parties to hearings conducted thereunder.¹⁴ These state agencies must be allowed their legislative right and obligation to review this and other similar siting applications and that right should not be limited based on an artificial limitation on these Projects, particularly where, as here, that could be modified at a later date. Such an exception would completely negate the legislature’s establishment of the Siting Act.

As such, DESC’s educated guess that the MW_{ac} rating of the Projects were not indicative of the actual footprint of the Projects was correct. DESC maintains that the MW_{dc} rating of the Projects is the relevant data point under the Siting Act, and the discovery process in this docket supports DESC’s initial argument that the record is void of the details necessary for the Commission to determine whether the Siting Act is triggered by the capacity of the Projects. Given that the Commission is unable to make this threshold assessment, it is premature to address the impact of the Gen-Tie line given that such an analysis could prove meaningless.

B. One-mile rule

As described in greater detail in DESC’s proposed order, the Petition simply states that the Projects are “separated by approximately one mile”—a consideration under PURPA’s maximum capacity calculation, but not relevant to the Siting Act’s 75 MW threshold. At a high level, under PURPA, for facilities that are “separated by approximately one mile,” there is either an irrebuttable presumption that the facilities are located at the same site or a presumption—subject to rebuttal by the utility—that the facilities are located at separate sites. This analysis determines whether the capacity of such facilities is aggregated to determine whether the facilities can obtain QF status. Although the Commission is without jurisdiction to address the FERC’s one-mile rule and the Petition is simply absent of facts necessary to make such a determination, the discovery provided

¹⁴ See S.C. Code Ann. § 58-33-140(1)(b).

to DESC after DESC filed its responsive comments provides additional insight as to how the Projects intend to comply with the one-mile rule. Specifically, Solar Developers state that the “Projects’ solar panels will be more than one mile apart to adhere to the ‘one-mile rule.’”¹⁵ Additionally, Solar Developers acknowledge that yet another wholly owned subsidiary of Savion—Orangeburg West Solar Project, LLC—has filed an interconnection application with DESC for a project located “approximately 5 miles northwest of the Orangeburg County Solar Project.”¹⁶ The Solar Developers stipulate that they “acknowledge FERC’s authority and will comply” with the one-mile rule.¹⁷

However, the Commission is without jurisdiction to address compliance with the FERC’s one-mile rule and neither the Petition nor the Siting Act require the Commission to address whether the Projects’ capacity should be aggregated. Therefore, DESC respectfully requests that the Commission avoid any holding that impacts FERC’s one-mile rule, thereby fully preserving the FERC’s right to determine these issues. Despite Solar Developers’ acknowledgement, through discovery, of the FERC’s authority and its discretion ensure compliance with the FERC’s rules and regulations, the Petition could have the unintended result of eliciting broader action by the Commission that could subsequently be used to address the FERC’s one-mile rule.

CONCLUSION

DESC respectfully requests that the Commission decline to rule on whether each Project qualifies as a “major utility facility” under the Siting Act, but clarify that the 75 MW threshold under the Siting Act is based upon the gross capability or MW_{dc} of the Projects. The Commission does not have this information and, as a result, is unable to make this threshold determination.

¹⁵ Petitioners’ Responses to ORS’s First and Continuing Request for Production of Books, Records and Other Information Request 1-7, dated May 25, 2021, which is attached as **Exhibit B**.

¹⁶ Petitioners’ Responses to ORS’s First and Continuing Request for Production of Books, Records and Other Information Request 1-8, dated May 25, 2021, which is attached as **Exhibit B**.

¹⁷ *Id.*

Therefore, DESC respectfully requests that the Commission decline to rule on the Gen-Tie line's impact on the Siting Act as well. Finally, DESC respectfully requests that any order issued by the Commission in this docket should clearly indicate that such order is based upon the limited set of facts in the record and is not precedential or binding for the purposes of any future analyses under the Siting Act, the FERC's one-mile rule, or PURPA.

Respectfully Submitted,

s/ Matthew W. Gissendanner

K. Chad Burgess, Esquire

Matthew W. Gissendanner, Esquire

Dominion Energy South Carolina, Inc.

Mail Code C222

220 Operation Way

Cayce, South Carolina 29033-3701

Phone: (803) 217-8141

Fax: (803) 217-7810

Email: kenneth.burgess@dominionenergy.com

*Attorneys for Dominion Energy South Carolina,
Inc.*

Cayce, South Carolina

This 10th day of September, 2021.

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-114-E**

IN RE: Petition for Declaratory Order with	)	PETITIONERS' RESPONSES
Verification of Orangeburg County	)	TO ORS'S SECOND
Solar Project, LLC and Orangeburg	)	AND CONTINUING
South Solar Project, LLC both Wholly	)	REQUEST FOR PRODUCTION
Owned Subsidiaries of Savion, LLC	)	OF BOOKS, RECORDS AND
	)	OTHER INFORMATION

TO: ANDREW M. BATEMAN, ESQ. AND JEFFREY M. NELSON, ESQ.
COUNSEL FOR THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF

Now come the Petitioners, Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC (collectively "Petitioners") to provide responses to the South Carolina Office of Regulatory Staff's Second and Continuing Request for Production of Books, Records, and Other Information.

1-1. Please provide the capacity, both in MW_{dc} and MW_{ac}, that is capable of being produced from each electric generating plant and associated facilities?

RESPONSE:

Petitioners understand this request to be in regards to accreditable capacity since request (2) below references nameplate capacity. As such, accreditable capacity is a MW_{ac} value that is determined at the Point of Interconnection (POI). MW_{dc} is not applicable to accreditable capacity. Regardless, it is normal for solar projects to possess a MW_{dc} rating of the solar panels that is 1.3x to 1.4x that of the MW_{ac} rating of the inverters, as this allows for a higher capacity factor without exceeding the POI MW_{ac} limitation stated in the GIA. The optimal MW_{dc}:MW_{ac} design ratio is determined at a later time and is a function of equipment cost, MWh production, geographic features, site control, off-take agreement terms, finance terms, etc. The accreditable capacity of each electric generating plant and associated facility are listed below:

- Orangeburg County Solar Project (Dominion queue #353): 74.906 MW_{ac}
- Orangeburg County Solar Project (Santee Cooper queue #70): 75 MW_{ac}
- Orangeburg South Solar Project (Santee Cooper queue #110): 73.98 MW_{ac}

- 1-2. What is the nameplate capacity of each Project? If it is different from the capacity stated in AIR 1-3 and/or in (1) above, please provide reasons why.

RESPONSE:

The nameplate capacity for each project is listed below:

- Orangeburg County Solar Project (Dominion queue #353): Per Appendix 2 of the Dominion GIA, the project was studied employing 26 Sungrow SG3150 inverters that are power limited to 2.881 MW_{ac} each for a total nameplate capacity of 74.906 MW_{ac}.
- Orangeburg County Solar Project (Santee Cooper queue #70): Per Appendix A of the Santee Cooper draft GIA, the project was studied employing 30 TMEIC PVL2700GR inverters with a facility rating of 75 MW_{ac} net on the Interconnection Customer's Interconnection Facility (i.e., the gen-tie connection at the POI).
- Orangeburg South Solar Project (Santee Cooper queue #110): Per Facility Study results tendered October 2020, the GI request was studied with a POI impact of 73.98 MW_{ac}. The application consisted of 30 TMEIC PVL2700GR inverters rated 2.5 MW_{ac} each.

- 1-3. Regarding the Petitioners' response to AIR 1-8:

- a. For the Orangeburg County's Solar Project, LLC's interconnection position #353 with Dominion Energy South Carolina, provide the interconnection details (Request date, capacity requested, name of DESC's transmission line, and interconnection status).
- b. In detail, please describe the purpose of the interconnection request #353.
- c. Does Orangeburg County's Solar Project, LLC plan to maintain or withdraw the interconnection position? Provide a detailed explanation in support of the plan to either maintain or withdraw. For either of the actions, describe the implications to the Petitioners' current interconnection requests (#70 and #110 in the Santee Cooper queue).
- d. Does Orangeburg South's Solar Project, LLC have a similar interconnection request with other utility line(s)? Please explain why or why not? If not, provide reasons why the Petitioners believe that the Orangeburg South Solar Project, LLC does not (or did not) require an additional interconnection option for purposes similar to those as described for Orangeburg County Solar Project, LLC in (b) above.

RESPONSE:

- a. Orangeburg County Solar Project, LLC submitted an Interconnection request on September 9, 2017 with the proposed POI as line tap of the Wateree-St. George

230kV transmission line. Final System Impact Study results were issued July 10, 2020. Final Facility Study results were issued August 24, 2020. The GIA has since been executed and is effective as of April 8, 2021 with an anticipated In-Service Date of June 17, 2024 and Commercial Operation Date of August 13, 2024. Financial security of \$3,735,000 must be posted by June 15, 2021.

- b. The intent of the filing is to be able to inject power onto the Dominion grid.
 - c. Orangeburg County Solar Project, LLC plans to maintain interconnection position (#353) on the Dominion 230kV transmission line in addition to maintaining interconnection position (#70) on the Santee Cooper 230kV transmission line. A requirement of the Dominion interconnection agreement is to certify the project as a Qualifying Facility (QF) with FERC via a Form No. 556 notice of self-certification of QF status. The current Form No. 556 on file with FERC for the Orangeburg County Solar Project, LLC will be updated accordingly to remove Santee Cooper and identify Dominion as the interconnecting utility for the project that will be the QF. Orangeburg County Solar Project, LLC will not be certifying any other project as a QF under any other interconnecting utility aside from Dominion.
 - d. Orangeburg South Solar Project, LLC has no other interconnection requests with other utilities, nor does it intend to file with any other utilities at this time.
- 1-4. For each Project, other than the nameplate capacity provided in response to (2) above, is there the capability for any additional output from the respective sites that would be interconnected to Dominion's 230kV line or any other utility lines? If yes, provide reasons why the Petitioners consider the additional output as separate from the output specified in (2), and explain why the Petitioners believe that the Project would still be considered a non-major utility facility according to S.C. Code Ann. § 58-33-20(2)(a).

RESPONSE:

The Petitioners do not intend to file additional interconnection positions for the Projects at this time.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr.

Direct: (843) 727-2249

Email: Gressette@WGFLAW.com

G. Trenholm Walker

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Email: Walker@WGFLAW.com

WALKER GRESSETTE FREEMAN & LINTON, LLC

Mail: P.O. Drawer 22167, Charleston, SC 29413

Office: 66 Hasell Street, Charleston, SC 29401

Phone: (843) 727-2200

ATTORNEYS FOR PETITIONERS

**ORANGEBURG COUNTY SOLAR PROJECT, LLC and
ORANGEBURG SOUTH SOLAR PROJECT, LLC**

June 7, 2021
Charleston, SC

ATTACHMENTS:

Verification of Scott Zeimetz

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2021, a true and accurate copy of the Petitioners' Responses to the South Carolina Office of Regulatory Staff's Second and Continuing Request for Production of Books, Records, and Other Information has been served upon the following by email:

Andrew M. Bateman, Esquire abateman@ors.sc.gov

Jeffrey M. Nelson, Esquire jnelson@ors.sc.gov

K. Chad Burgess, Esquire chad.burgess@dominionenergy.com

Matthew W. Gissendanner, Esquire matthew.gissendanner@dominionenergy.com

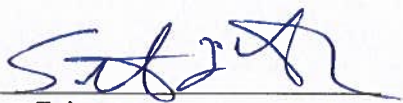
/s/ Thomas P. Gressette, Jr.

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-114-E**

IN RE: Petition for Declaratory Order with	)	PETITIONERS' RESPONSES
Verification of Orangeburg County	)	TO ORS'S SECOND
Solar Project, LLC and Orangeburg	)	AND CONTINUING
South Solar Project, LLC both Wholly	)	REQUEST FOR PRODUCTION
Owned Subsidiaries of Savion, LLC	)	OF BOOKS, RECORDS AND
	)	OTHER INFORMATION

VERIFICATION

My name is Scott Zeimetz and I am the Chief Development Officer for Savion, LLC, the company that established Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC for the purpose of developing two solar-powered electric generation projects. I have read the foregoing Petitioners' Response to the South Carolina Office of Regulatory Staff's Second and Continuing Request for Production of Books, Records, and Other Information and affirm the statements therein included are true and accurate to the best of my knowledge based on my understanding of the questions.



Scott Zeimetz

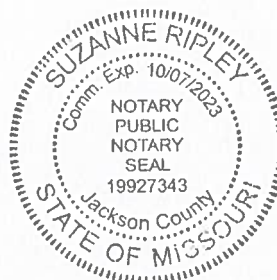
SWORN TO BEFORE ME THIS

4th DAY OF June, 2021.

Suzanne Ripley
Notary Public for the State of Missouri,

In the County of Jackson.

My Commission expires: 10/07/2023.





G. Trenholm Walker
Thomas P. Gressette, Jr.
Ian W. Freeman
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer S. Ivey
Vincent Joseph-Lee Grosso

THOMAS P. GRESSETTE, JR.
Direct: 843.727.2249
Email: Gressette@WGFLAW.com

May 25, 2021

Andrew M. Bateman, Esquire
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Jeffrey M. Nelson, Esquire
jnelson@ors.sc.gov

K. Chad Burgess, Esquire
chad.burgess@dominionenergy.com

Matthew W. Gissendanner, Esquire
matthew.gissendanner@dominionenergy.com

RE: S.C. Public Service Commission Docket No. 2021-114-E
Service of Petitioners' Responses to the South Carolina Office of Regulatory Staff's First and
Continuing Request for Production of Books, Records, and Other Information

Counselors:

Enclosed please find Petitioners' Responses to the South Carolina Office of Regulatory Staff's First and Continuing Request for Production of Books, Records, and Other Information along with the referenced Exhibit, Verification and Certificate of Service.

The Petitioners would very much like to submit a proposed order on behalf of all parties. I owe the Commission an update on our progress by Friday. Accordingly, would you mind reviewing and then perhaps giving me a quick call to discuss your initial thoughts? My direct line is 843-727-2249.

I do hope you all are well, and look forward to an opportunity to confer on this matter.

Sincerely,

/s/
Thomas P. Gressette, Jr.

Enclosures (as stated)

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-114-E**

IN RE: Petition for Declaratory Order with)	PETITIONERS' RESPONSES
Verification of Orangeburg County)	TO S.C. ORS'S FIRST
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)	OTHER INFORMATION

TO: ANDREW M. BATEMAN, ESQ. AND JEFFREY M. NELSON, ESQ.
COUNSEL FOR THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF

Now come the Petitioners, Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC (collectively "Petitioners") to provide responses to the South Carolina Office of Regulatory Staff's First and Continuing Request for Production of Books, Records, and Other Information.

REQUESTS:

- 1-1. Provide a map of the Orangeburg County Solar Project, LLC site at an appropriate scale that clearly shows the location of the Project Substation, the 200-foot 230kV generation tie line, the Point of Intersection, and the Santee Cooper 230kV transmission line.

RESPONSE:

A map depicting the features noted in Request 1-1 above is included as Exhibit A to this document.

- 1-2. To the extent that the Petitioners are aware, please provide the following details on any requests that are similar to the Petition for Declaratory Order ("Petition") that have been previously filed with the Public Service Commission of South Carolina:
- a. Docket number;

- b. copies of letters/petitions; and
- c. and a description of each request referenced.

RESPONSE:

Petitioners are not aware of any such requests that are similar to the Petition for Declaratory Order that have been previously filed with the Public Service Commission of South Carolina.

- 1-3. For both the Orangeburg County Solar Project and the Orangeburg South Solar Project (individually “Project” and collectively “Projects”), please indicate whether the electric generating plant and associated facilities are designed for or capable of being operated at a capacity of more than seventy-five (75) megawatts. Provide detailed explanations for the Petitioners’ assertion.

RESPONSE:

Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC have requested generation interconnection of 75 megawatts (MW) and 74 MW, respectively, from Santee Cooper. Both Project requests are in the final study phase and are awaiting Interconnection Agreement executions at 75 MW and 74 MW, respectively. Consequently, the Orangeburg County Solar Project and Orangeburg South Solar Project will be limited to 75 MW and 74 MW, respectively.

The inverters of both Projects are equipped with a real power curtailment function that will prevent them from exporting active power over the studied MW values (75 MW for Orangeburg County Solar Project and 74 MW for Orangeburg South Solar Project), which will be made available for review by the host utilities. This active power setting will be only accessible to the inverter vendor engineers or authorized service providers with expressed written consent by the host utilities.

- 1-4. Do the Petitioners have any current or future plans to increase the capacity of the Projects through the addition of battery storage capacity or by any other means? If yes, please provide details on the plans to increase capacity and explain how the associated Project(s) will be in compliance with S.C. Code Ann. § 58-33-20(2)(a).

RESPONSE:

The Petitioners do not have any current or future to increase the capacity of the Projects though any means.

- 1-5. Regarding the 200-foot 230kV generation tie line, please provide details on the following:
- Did the Petitioners consider any options other than the tie line that do not fall under the definition of a “major utility facilities” according to S.C. Code Ann. § 58-33-20(2)(b)? If yes, please provide a detailed description of the options considered and include all related documents, analyses, assessments, etc.
 - Have the Petitioners tried to limit the length of the tie line to the maximum extent practicable? If yes, what steps were taking to limit the length of the tie line?

RESPONSE:

a. Given that the generation tie-line (gen-tie) will be approximately 200 feet located entirely within the Orangeburg County Solar Project site and maintained by Orangeburg County Solar Project, LLC up to the line of demarcation (see Exhibit A), the Petitioners presumed it would not convert either project into a ‘major utility facility’ such that either Petitioner ought to be required to seek a Certificate of Environmental Compatibility pursuant to the S.C. Code 58-33-10(2)(b). Given the interconnection voltage of the line that is being tapped is 230kV, there is no option to use a line with a lower voltage rating to connect the two substations, which would avoid the question of whether it reaches the threshold of a “major utility facility”.

b. Petitioners have limited the length of the gen-tie to the maximum extent practical by locating the Project Substation as close to the designated Point of Interconnection (POI) as allowable. The POI will be at the 230 kV Mill Branch Switching Station that will constructed by Santee Copper adjacent to its 230 kV Cross-Aiken transmission line. The Project Substation will be setback approximately 200 feet (the gen-tie length) from the POI to accommodate setback requirements, access, and other real estate considerations.

- 1-6. Regarding S.C. Code 58-33-140(1)(b), have the Petitioners discussed the Petition with the Department of Health and Environmental Control (“DHEC”), the Department of Natural Resources (“DNR”), and the Department of Parks, Recreation and Tourism (“PRT”) ? If so, please provide the positions of DHEC, DNR, and PRT on the Petition. Also, provide copies of, and written or electronic communications with DHEC, DNR, and PRT that indicate the positions of those parties.

RESPONSE:

Petitioner’s have conducted extensive environmental due diligence and both Projects have been coordinated with the appropriate environmental agencies, including the DNR. In addition, Petitioners will coordinate with the DHEC prior to construction in order to obtain necessary permits (i.e. National Pollutant Discharge Elimination

System Permits). However, Petitioners have not discussed the Petition with DHEC, DNR and PRT at this point. If the Projects are required to seek a Certificate of Environmental Compatibility, then pursuant to S.C Code 58-33-140, the agencies listed above will be parties to the Siting Act proceedings.

- 1-7. What is the distance between the two (2) Project sites according to the “one-mile rule” criteria outlined in 172 FERC ¶ 61,041?

RESPONSE:

The Projects’ solar panels will be more than one mile apart to adhere to the “one-mile rule.”

- 1-8. Identify any other projects being planned or developed by the Petitioners, which are within a 10-mile radius of the Project sites, and provide the distance between any and all such projects from the current Project sites according to the “one-mile rule” criteria outlined in 172 FERC ¶ 61,041?

RESPONSE:

Orangeburg County Solar Project, LLC filed an additional interconnection position (#353) on the Dominion 230kV transmission line located adjacent to the Orangeburg County Solar Project site. This interconnection position was filed as an additional option for the Orangeburg County Solar Project. Orangeburg West Solar Project, LLC, another wholly owned subsidiary of Savion, LLC, but not the subject of this Petition, is located approximately 5 miles northwest of the Orangeburg County Solar Project. The Petitioners acknowledge FERC’s authority and will comply with the criteria outlined in 172 FERC ¶ 61,041.

ATTACHMENTS:

Exhibit A, Map of Orangeburg County Solar Project

Verification of Scott Zeimetz

Certificate of Service

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr.

Direct: (843) 727-2249

Email: Gressette@WGFLAW.com

G. Trenholm Walker

Direct: (843) 727-2208

Email: Walker@WGFLAW.com

WALKER GRESSETTE FREEMAN & LINTON, LLC

Mail: P.O. Drawer 22167, Charleston, SC 29413

Office: 66 Hasell Street, Charleston, SC 29401

Phone: (843) 727-2200

ATTORNEYS FOR PETITIONERS

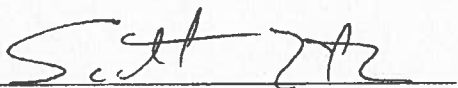
**ORANGEBURG COUNTY SOLAR PROJECT, LLC and
ORANGEBURG SOUTH SOLAR PROJECT, LLC**

May 25, 2021
Charleston, SC

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-114-E**

IN RE: Petition for Declaratory Order with)	VERIFICATION OF
Verification of Orangeburg County)	PETITIONERS' RESPONSE
Solar Project, LLC and Orangeburg)	TO S.C. ORS'S FIRST
South Solar Project, LLC both Wholly)	AND CONTINUING
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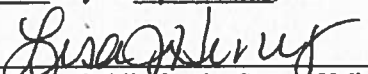
My name is Scott Zeimetz and I am the Chief Development Officer for Savion, LLC, the company that established Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC for the purpose of developing two solar-powered electric generation projects. I have read the foregoing Petitioners' Response to the South Carolina Office of Regulatory Staff's First and Continuing Request for Production of Books, Records, and Other Information and affirm the statements therein included are true and accurate to the best of my knowledge based on my understanding of the questions.



Scott Zeimetz

SWORN to before me this

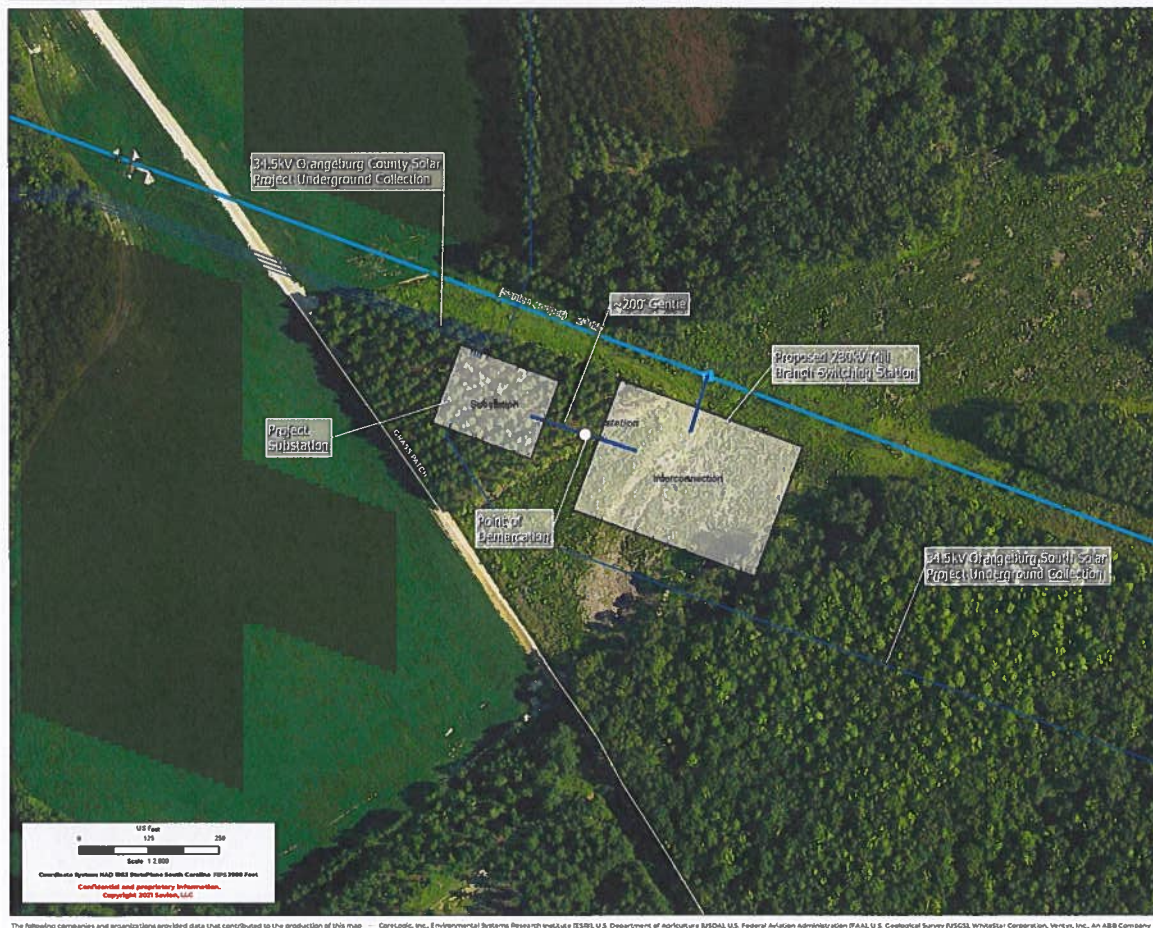
21st day of May, 2021.



Notary Public for the State of ~~Missouri~~ Kansas
Douglas County
My Commission Expires: 8/10/2023



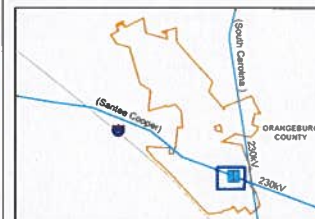
ORANGEBURG COUNTY SOLAR PROJECT



Orangeburg County Solar

- Project Boundary
- Proposed Solar Array
- Panel
- Proposed Electrical
- UG Collection
- OH Transmission
- Proposed Facilities
- Interconnection
- Substation
- Proposed Facilities Points
- Interconnection
- Existing Transmission Lines
- Voltage kV
- 230

Exhibit A



PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

PROJECT ORANGEBURG COUNTY	
DEVELOPER SAVION, LLC	ENGINEER HARRISON NETZ
DATE 5/24/2021	SCALE 1 INCH = 167 FEET
LEGAL DESCRIPTION	

SHEET
SC_ORANGEBURG_SUBSTATION_AREA

The following companies and organizations provided data that contributed to the production of this map: CoreLogic, Inc., Environmental Systems Research Institute (ESRI), U.S. Department of Agriculture (USDA), U.S. Federal Aviation Administration (FAA), U.S. Geological Survey (USGS), Whittaker Corporation, Verity, Inc., an ABB Company

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
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DOCKET NO. 2021-114-E**

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Solar Project, LLC and Orangeburg)	AND CONTINUING
South Solar Project, LLC both Wholly)	REQUEST FOR PRODUCTION
Owned Subsidiaries of Savion, LLC)	OF BOOKS, RECORDS AND
)	OTHER INFORMATION

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2021, a true and accurate copy of the Petitioners' Responses to the South Carolina Office of Regulatory Staff's First and Continuing Request for Production of Books, Records, and Other Information has been served upon the following by email:

Andrew M. Bateman, Esquire	abateman@ors.sc.gov
Jeffrey M. Nelson, Esquire	jnelson@ors.sc.gov
K. Chad Burgess, Esquire	chad.burgess@dominionenergy.com
Matthew W. Gissendanner, Esquire	matthew.gissendanner@dominionenergy.com

/s/ Thomas P. Gressette, Jr.